

REMARKS/ARGUMENTS

Claims 1-36 were in the application as filed, and are subject to a requirement for restriction. Applicants confirm the election of claims 1-27 for prosecution in this application. Claims 28-36 are canceled without prejudice pursuant to the Examiner's requirement for restriction.

Claims 1-27 stand rejected. Claims 1, 4, 6, 8, 10, 12, 14, 21-24, and 26 have been amended. New claim 37 has been substituted for claim 20. Claim 20 has been cancelled without prejudice.

Applicants believe the amendments made herein add no new matter. Any amendment to the claims which has been made in this Amendment and Response, and which has not been specifically noted to overcome a rejection based on prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to be attached thereto. Reconsideration and reexamination of the application is respectfully requested in view of the amendments and the following remarks.

Rejection Under 35 U.S.C. §102(b)

Claims 20, 21, and 23 stand rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 4,130,623 to Walter. The rejection is traversed.

Claim 20 has been canceled without prejudice. Thus, the rejection is moot as to claim 20. Applicants request withdrawal of the rejection.

Walter '623 discloses a method and apparatus for embossing a thermoplastic or thermoformable material. The method and apparatus are described with respect to the embossing of a stitch line in the material. The method and apparatus form a linear, channel-like depression in the material having a raised stitch line along the centerline of the depression.

The claimed invention is not anticipated under §102 unless each and every element of the claimed invention is found in the prior art. *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 231 USPQ 81, 90 (Fed. Cir. 1986). To anticipate, a single reference must teach each and every limitation of the claimed invention. *Eolas Technologies Inc. v. Microsoft Corp.*, 399 F.3d 1325, 1335; 73 U.S.P.Q.2D (BNA) 1782 (Fed. Cir. 2005). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The rejection fails to satisfy these standards.

New claim 37 calls for a pair of ridges formed in generally parallel fashion along an interior portion of an uninterrupted cover portion of a molded polymeric item, and an indentation formed between the ridges. The ridges and indentation simulate a butt seam. Walter '623 does not anticipate claim 37, because Walter '623 does not disclose each and every element of claim 37 in as complete detail as is contained in claim 20. Walter '623 does not disclose a pair of ridges as called for in claim 37. As illustrated in Figure 8 of the Application, the ridges, which extend between the center seam 32 and the side seams 34, 36, protrude above the adjoining material so as to provide a raised profile. The embossment of Walter '623 does not include any such ridges. Furthermore, even assuming for the sake of argument that the structure between the indentation and adjoining material illustrated in Figure 5 of Walter '623 could be considered a "ridge," the structure disclosed in Walter '623 is not a seam, let alone a butt seam.

Nowhere in Walter '623 is a butt seam disclosed. Indeed, Walter '623 discloses only a single embossed stitch line, which is not associated with a seam. At most, the stitch line disclosed in Walter '623 represents a stitch used to join two lapped pieces of fabric, i.e. one piece positioned on top of the other and joined with a stitch line extending through both pieces, but it cannot represent two pieces of fabric joined in a butt seam. Thus, Walter '623 does not anticipate claim 37.

The Examiner's reference to column 1, lines 10-12 of Walter '623 offers no support for the rejection. The referenced lines read "In most prior art methods of embossing designs, such as

stitching, onto a thermoplastic sheet, both the anvil surface and the embossing die surface were rigid and relatively hard." These lines disclose nothing concerning a pair of ridges formed in a generally parallel fashion defining an indentation between the ridges, or a simulated butt seam, as called for in claim 37. Thus, claim 37 is patentable over Walter '623.

Claims 21 and 23 depend from claim 37 and, for the same reasons, are not anticipated by Walter '623. Applicants request that the rejection be withdrawn, and that claims 21, 23, and 37 be allowed.

Claims 1-3, 14, 20, 21, and 26 stand rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 3,802,291 to Young et al. The rejection is traversed.

Young '291 discloses a steering wheel rim having a rigid core 25 surrounded by a soft substrate layer 26 covered by a thin outer covering 27. A slot extends along an inner perimeter of the substrate layer 26 adapted to receive the opposed edges of the covering 27 to hold the covering in place around the steering wheel rim. A wedge 33 is inserted into the slot to hold the edges of the covering 27 in place. A wedge can be used having an exposed face facing inwardly of the rim with simulated stitching formed thereon.

Amended claim 1 is patentable over Young '291 because each and every element of claim 1 is not found in Young '291. Claim 1 calls for an uninterrupted cover comprising an integrally-formed aesthetic feature configured to simulate a seam comprising a pair of stitchings. The seam must therefor be integrally-formed in the cover. The cover 27 of Young '291 does not satisfy this limitation. The seam in Young '291 is formed in the wedge, which does not comprise a cover. It is separate and distinct from the cover 27. In each of the embodiments described in Young '291, the cover is identified and treated separately from the wedge. The seam in Young '291 is not integrally-formed in the cover; it is formed in the wedge. Thus, Young '291 does not disclose each and every element of claim 1 in as complete detail as is contained in claim 1. Claim 1 is patentable over Young '291.

Claims 2-3 and 14 depend from claim 1 and, for the same reasons, are not anticipated by Young '291. Applicants request that the rejection be withdrawn, and that claims 1-3 and 14 be allowed.

Claim 20 has been canceled without prejudice. Thus, the rejection is moot as to claim 20. Applicants request withdrawal of the rejection.

New claim 37 calls for a simulated seam in a molded polymeric item comprising an uninterrupted cover portion. The simulated seam comprises a pair of ridges formed in generally parallel fashion along an interior portion of the uninterrupted cover portion, and an indentation formed between the ridges in the uninterrupted cover portion. The pair of ridges in cooperation with the indentation therebetween simulates a butt seam.

New claim 37 is patentable over Young '291. As discussed above, Young '291 discloses a cover 27 which is held in place over a steering wheel by a wedge 33. The wedge 33 may be embossed with a simulated seam. The wedge 33 does not form a part of the cover 27. The cover 27 does not comprise a simulated seam. Thus, Young '291 does not disclose an uninterrupted cover comprising an integrally-formed aesthetic feature configured to simulate a seam comprising a pair of stitchings.

Furthermore, claim 37 calls for the simulated seam to comprise a pair of ridges formed in generally parallel fashion along an interior portion of the uninterrupted cover portion. The simulated seam formed in the wedges 30 comprises the entire outer surface of the wedges. It is not formed along an interior portion, and is not formed in an uninterrupted cover portion. Thus, Young '291 does not disclose a pair of ridges formed along an interior portion of an uninterrupted cover portion.

Claims 21 and 26 depend from claim 37 and, for the same reasons, are not anticipated by Young '291. Applicants request that the rejection be withdrawn, and that claims 21, 26, and 37 be allowed.

Claims 1-3, 6-8, and 12-14 stand rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 3,925,861 to Tillner. The rejection is traversed.

Tillner '861 discloses an elongated bead comprising a pair of circular or oval cross-sectioned rails 3, 4 joined longitudinally by a web 5 into a somewhat I-beam shaped member. Fabric positioned across the bead can be stapled to an underlying substrate through the web 5. The driving of the staple through the web 5 into the substrate will deflect the web toward the substrate, rotating the rails 3, 4 toward each other and downward to grip the fabric therebetween and conceal the staple.

Claim 1 is patentable over Tillner '861. Claim 1 calls for an uninterrupted cover comprising an integrally-formed aesthetic feature configured to simulate a seam comprising a pair of stitchings. Tillner '861 does not disclose an integrally-formed aesthetic feature in an uninterrupted cover configured to simulate a seam comprising a pair of stitchings. Tillner '861 discloses an indentation in a piece of upholstery. However, the indentation is not integrally formed in the upholstery. If the upholstery is not attached to the surface with the bead, the indentation is not formed, and is, thus, not integral with the upholstery. Furthermore, claim 1 calls for the seam to comprise a pair of stitchings. Tillner '861 does not disclose a pair of stitchings. Thus, Tillner '861 does not disclose each and every element of claim 1 in as complete detail as is contained in claim 1. Claim 1 is patentable over Tillner '861.

Claims 2-3, 6-8, and 12-14 depend from claim 1 and, for the same reasons, are not anticipated by Tillner '861. Applicants request that the rejection be withdrawn, and that claims 1-3, 6-8, and 12-14 be allowed.

Claims 1-4, 6, 7, 10, 12, 13, 16-18, 20-22, 24, and 25 stand rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent Application Publication No. U.S. 2003/0168151 of Wright et al. The rejection is traversed.

Wright '151 discloses a covering for an instrument panel in which a portion of the covering is cut and then stitched closed using a conventional French seam. The cover is vacuum-formed or slush molded over the substrate, followed by cutting of the cover along a line selected to imitate a stitched seam. The two separated pieces are then stitched together to form a seam.

Claim 1 is patentable over Wright '151. Claim 1 calls for an uninterrupted cover comprising an integrally-formed aesthetic feature configured to simulate a seam comprising a pair of stitchings. Wright '151 does not disclose an aesthetic feature simulating a seam. Wright '151 discloses an actual seam, which Applicants' invention is intended to replace. Wright '151 also does not disclose an uninterrupted cover. The seam of Wright '151 renders the cover discontinuous due to the separation of the cover along the seam. Thus, Wright '151 does not disclose each and every element of claim 1 in as complete detail as is contained in claim 1. Claim 1 is patentable over Wright '151.

Claims 2-4, 6, 7, 10, 12, 13, and 16-18 depend from claim 1 and, for the same reasons, are not anticipated by Wright '151. Applicants request that the rejection be withdrawn, and that claims 1-4, 6, 7, 10, 12, 13, and 16-18 be allowed.

Claim 20 has been canceled without prejudice. Thus, the rejection is moot as to claim 20. Applicants request withdrawal of the rejection.

New claim 37 is patentable over Wright '151. Claim 37 calls for a simulated seam comprising a pair of ridges formed in generally parallel fashion along an interior portion of an uninterrupted cover portion, and an indentation formed between the ridges. The pair of ridges in cooperation with the indentation therebetween simulates a butt seam. Wright '151 discloses an actual seam, not a simulated seam. The cover of Wright '151 is discontinuous, not uninterrupted. Furthermore, the seam disclosed in Wright '151 does not comprise a pair of ridges. Thus, Wright '151 does not disclose each and every element of claim 37 in as complete detail as is contained in claim 37. Claim 37 is patentable over Wright '151.

Claims 21-22, 24, and 25 depend from claim 37 and, for the same reasons, are not anticipated by Wright '151. Applicants request that the rejection be withdrawn, and that claims 21-22, 24, 25, and 37 be allowed.

Rejection Under 35 U.S.C. §103(a)

Claims 1-27 stand rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Applicants' alleged acknowledged state-of-the-art in view of Wright '151. The rejection is traversed.

Claim 20 has been canceled without prejudice. Thus, the rejection is moot as to claim 20. Applicants request withdrawal of the rejection.

The Examiner asserts that it would have been obvious to provide the decorative cover of the prior art with lines of parallel stitching along the simulated French seam in order to enhance the aesthetic look of the cover.

The standards for a finding of obviousness must be strictly adhered to. Simply citing one or more prior art references that illustrate different facets of the invention and then concluding that it would be obvious to combine the references to create the applicant's invention is wholly inadequate.

A claimed invention is unpatentable if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art....The ultimate determination of whether an invention would have been

obvious under 35 U.S.C. §103(a) is **a legal conclusion based on underlying findings of fact.**¹

A critical step in analyzing the patentability of claims pursuant to section 103(a) is casting the mind back to the time of invention, to consider the thinking of one of ordinary skill in the art, guided only by the prior art references and the then-accepted wisdom in the field....Close adherence to this methodology is especially important in cases where the very ease with which the invention can be understood may prompt one "to fall victim to the insidious effect of a hindsight syndrome wherein that which only the invention taught is used against its teacher."

Most if not all inventions arise from a combination of old elements....Thus, every element of a claimed invention may often be found in the prior art....However, **identification in the prior art of each individual part claimed is insufficient to defeat patentability of the whole claimed invention**....Rather, to establish obviousness based on a combination of the elements disclosed in the prior art, **there must be some motivation, suggestion or teaching of the desirability of making the specific combination** that was made by the applicant....Even when obviousness is based on a single prior art reference, there must be a showing of a suggestion or motivation to modify the teachings of that reference.

¹ The underlying factual inquiries include (1) the scope and content of the prior art; (2) the level of ordinary skill in the prior art; and (3) the differences between the claimed invention and the prior art. *Graham v. John Deere Co.*, 383 U.S. 1, 17, 15 L. Ed. 2d 545, 86 S. Ct. 684 (1966).

The motivation, suggestion or teaching may come explicitly from statements in the prior art, the knowledge of one of ordinary skill in the art, or, in some cases the nature of the problem to be solved....In addition, the teaching, motivation or suggestion may be implicit from the prior art as a whole, rather than expressly stated in the references....The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art....Whether the Patent Office Examiner relies on an express or an implicit showing, **the Examiner must provide particular findings related thereto....Broad conclusory statements standing alone are not "evidence."**

In Re Werner Kotzab, 217 F.3d 1365; 55 U.S.P.Q.2d (BNA) 1313 (Fed. Cir. 2000)(citations omitted)(emphasis added).

The Examiner has failed to identify any motivation, suggestion, or teaching of the desirability of combining prior art simulated seams with Wright '151 to arrive at Applicants' invention. There has been no statement identified in either Applicants' specification or Wright '151, there has been no discussion of the knowledge of one of ordinary skill in the art or the nature of the problem to be solved, there has been no identification of what the teachings of Applicants' specification and Wright '151, the knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to one of ordinary skill in the art as required for a showing of motivation. The Examiner has failed to provide any particular findings related to any motivation, suggestion, or teaching of the desirability of combining prior art simulated seams with Wright '151. Rather, the Examiner has simply relied upon "broad conclusory statements standing alone," which can only lead to the conclusion that the Examiner is simply relying on impermissible hindsight reconstruction of Applicants' invention.

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Applicants requests withdrawal of the rejection, and the allowance of claims 1-19, 21-27, and 37.

CONCLUSION

For the reasons discussed above, all claims in the Application are allowable over the prior art of record. Prompt notification of allowability is respectfully requested. If there are any outstanding issues which the Examiner feels may be resolved by way of telephone conference, the Examiner is cordially invited to contact the undersigned to resolve these issues.

Respectfully submitted,

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